



M O S K O W I T Z & B O O K , L L P

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October 5, 2023

By ECF and Email

Hon. Victor Marrero
U.S. District Judge
U.S. Courthouse
500 Pearl Street
New York, NY 10007

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
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DATE FILED: 11/7/23

Re: United States v. Wayne Franklyn Chinn
19 Cr. 915(VM)

Dear Judge Marrero:

This letter is respectfully submitted on behalf of the defendant, Wayne Franklyn Chinn to request that the Court modify the terms Mr. Chinn's probation, to allow him to return to his home in Vietnam, either for the entire term of his probation or, at a minimum, for a period of time to enable him to close up his apartment and dispose of his possessions that remain in Vietnam.

On December 3, 2021, Your Honor sentenced Mr. Chinn to a term of five years of probation, with the first eighteen months to be served under house arrest. Mr. Chinn began his period of house arrest on March 2, 2022 and recently completed that portion of his sentence without incident.

As Your Honor may recall, Mr. Chinn, who is now eighty-two years old and who suffers from various medical infirmities, including kidney disease and heart disease, had been living in Vietnam for more than twenty years when he returned to the United States voluntarily to answer to the tax evasion charges filed against him. When he was released on bail and allowed to return to Vietnam after his guilty plea to await sentencing, he again returned voluntarily after sentencing to serve his term of home confinement. Mr. Chinn's entire family lives abroad and most, if not all, of the friends that he had in the United States have passed away and thus, the only thing keeping him in the United States is his need to comply with the terms of his probation. It is respectfully submitted that given the non-violent nature of his crime, his advanced age and serious medical conditions, Mr. Chinn is not in need of supervision by the Probation Department. Instead, Mr. Chinn should be allowed to live out the remainder of his life in his adopted home country of Vietnam, among the friends and business associates that he has made in the decades he lived there before his return to the United States in 2021.

Honorable Victor Marrero

September 27, 2023

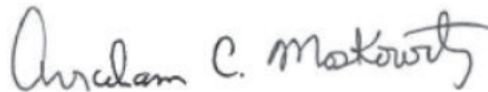
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Alternatively, if the Court is not willing to allow Mr. Chinn to return permanently to Vietnam while he remains on Probation, it is respectfully requested that he be allowed to return to Vietnam temporarily to close up his apartment and dispose of the possessions that remain in Vietnam. If granted permission to return to Vietnam for that purpose, Mr. Chinn would make travel arrangements in consultation with his Probation Officer and travel to and from Vietnam on dates agreed to by his Probation Department.

I have discussed this matter with Nanette Davis of the Department of Justice Tax Division, who advised me that the Government takes no position and defers to the Court with respect to the requested modification. I have also spoken with Mr. Chinn's Probation Officer, Chris Loman, who advised me that while the Probation Department is not allowed to join in Mr. Chinn's application, it has no objection to Mr. Chinn's returning to Vietnam, either permanently or temporarily.

Thank you in advance for your consideration of this request.

Respectfully submitted,



Avraham C. Moskowitz

cc: All Counsel of record (by email)

Request **GRANTED.** Defendant Chinn's conditions of release are hereby modified to terminate supervision. Mr. Chinn is hereby authorized to travel to Vietnam and remain permanently there with family.

SO ORDERED.

Dated: Nov. 7, 2023.


Victor Marrero
U.S.D.J.